

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

Plaintiff,

vs.

BRAD JOHNSON, et al.,

Defendants.

**4:21CV3042**

**MEMORANDUM  
AND ORDER**

Plaintiff has filed motions to depose Defendants Joshua Eaton, Tyson Helm, Joseph Wilson, and Brad Johnson (Filings 102, 104, 114). Plaintiff requests the court to set a date and time for each deposition to be taken by stenographic means, with a transcript produced for Plaintiff; to order Plaintiff's transportation from the county jail to the county courthouse for the deposition; and to subpoena Defendants to testify. The motion will be denied in all respects.

A party's right to orally depose another party is governed by Rule 30 of the Federal Rules of Civil Procedure, which generally does not require leave of court or service of a subpoena. "Granting leave to proceed in forma pauperis does not grant the right to affirmative assistance from the court in conducting discovery or securing a court reporter." *Baker v. Immanuel Med. Ctr.*, No. 8:06CV655, 2007 WL 2914547, at \*2 (D. Neb. Oct. 3, 2007) (denying pro se prisoner's motion to take depositions). "The statutory right to proceed in forma pauperis does not include the right to receive funds from the court to pay discovery or other costs relating to a pro se litigant's case." *Brown v. Strong*, No. 8:14CV298, 2016 WL 2350114, at \*2 (D. Neb. May 4, 2016); see *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980) (rejecting in forma pauperis plaintiff's claim that district court erred in not requiring government to pay for deposition expenses or copies of records).

Nor is court intervention required simply because the plaintiff is a prisoner. "Generally speaking, prisoners who bring civil actions, including prisoners who bring actions under the civil rights statute, 42 U.S.C. § 1983, have no right to be

personally present at any stage of the judicial proceedings.” *Holt v. Pitts*, 619 F.2d 558, 560 (6th Cir. 1980).

IT IS THEREFORE ORDERED:

1. Plaintiff’s motion to depose Defendant Joshua Eaton (Filing 102) is denied in all respects.
2. Plaintiff’s motion to depose Defendant Tyson Helm (Filing 104) is denied in all respects.
3. Plaintiff’s motion to depose Defendants Joseph Wilson and Brad Johnson (Filing 114) is denied in all respects.

Dated this 2nd day of May 2022.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge